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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,481	11/10/2003	Richard R. Sanchez	KMC-570	7941
7590 12/16/2004			EXAMINER	
Darrell F. Marquette 2201 W. Desert Cove Phoenix, AZ 85029			HUNTER, ALVIN A	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/706,481	Applicant(s) SANCHEZ ET AL.	
	Examiner Alvin A. Hunter	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-19 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/10/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 6811496).

Regarding claim 1, Wahl implicitly discloses a method of manufacturing a golf club head, comprising forming a club head body comprising a hollow body having a face adapted for impacting a golf ball, wherein the club head body further comprising a body surface having a weight cavity formed therein. The weight cavity being defined by a side wall and a bottom wall; providing a plurality of balance weights, wherein each of the plurality of balance weights having an upper surface, a lower surface and a lateral side joining the upper surface and the lower surface; selecting one of the plurality of balance weights; attaching one of the plurality of balance weights to the club head body within weight cavity; the selecting a cover wherein the cover comprising an outer surface, an inner surface and a perimeter wall;; and attaching the cover to the club head body so that the cover substantially covers one of the plurality of balance weights (See Figures 5A and 5B). Applicant does not disclose why it is critical to having a plurality of covers for one club head. Applicant notes that each cover identifies the type of club used. One having ordinary skill in the art would have found the cover of Wahl et al. to perform

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equally as well since the primary objective of the cover is to conceal the weights and therefore, would have been obvious to use any type of cover because of such.

Regarding claim 2, Wahl et al. discloses the plurality of balance weights comprise weights of differing mass (See Column 5, lines 28 through 65).

Regarding claim 3, Wahl et al. discloses the plurality of balance weights comprise weights of differing densities (See Column 5, lines 28 through 65).

Regarding claim 4, Wahl et al. discloses the attaching of one of the plurality of balance weights to the club head body within the weight cavity comprises bonding the lateral side of one of the plurality of balance weights to the side wall of the cavity (See Figure 5A and 5B).

Regarding claim 5, Wahl et al. discloses the attaching of one of the plurality of balance weights to the club head body within the weight cavity comprises bonding the lower side of one of the plurality of balance weights to the side wall of the cavity (See Figure 5A and 5B).

Regarding claim 11, Wahl et al. discloses a golf club head comprising a club head body comprising a hollow body having a face adapted for impacting a golf ball, said club head body further comprising a body surface having a weight cavity formed therein, the weight cavity being defined by a side wall and a bottom wall; a balance weight disposed within said weight cavity and attached to said club head body, said balance weight selected from a plurality of balance weights, each of said plurality of balance weights having an upper surface, a lower surface and a lateral side joining the upper surface and the lower surface, said plurality of balance weights comprising

weights having different masses; a cover selected from a plurality of covers and attached to said club head body so that said selected cover substantially covers said balance weight, each of said plurality of covers having an outer surface, an inner surface and a perimeter wall (See Figures 5A and 5B).

Regarding claim 12, Wahl et al. discloses the plurality of balance weights comprise weights of differing densities (See Column 5, lines 28 through 65).

Regarding claim 15, Applicant does not disclose why the club head being a wood is critical in order to attain the invention. Furthermore, applicant notes that the invention should not be limited thereto (See Page 4, first paragraph under the Detailed Description). One having ordinary skill in the art would have found it obvious to having any style of club head so long as it is hollow has a weight cavity, weights, and a cover in order to optimize the center of gravity to that desired by the user.

2. Claims 7-10, 13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 6811496) in view of Peterson (USPN 6162133).

Regarding claim 7 and 13, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Peterson discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Abstract; Figure 3; Column 5, lines 47 through 67 and Column 6, lines 1 through 3). One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Peterson, in order to releasably secure the weights within the club head.

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Regarding claim 8 and 9, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Peterson discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Abstract; Figure 3; Column 5, lines 47 through 67 and Column 6, lines 1 through 3). The combination would imply that the cavity has a floor and reveal. One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Peterson, in order to releasably secure the weights within the club head.

Regarding claim 10, the combination as applied to claim 8 and 9 implies that the cover is bonded to the cover cavity.

Regarding claim 17, Wahl implicitly discloses a method of manufacturing a golf club head, comprising forming a club head body comprising a hollow body having a face adapted for impacting a golf ball, wherein the club head body further comprising a body surface having a weight cavity formed therein. The weight cavity being defined by a side wall and a bottom wall; providing a plurality of balance weights, wherein each of the plurality of balance weights having an upper surface, a lower surface and a lateral side joining the upper surface and the lower surface; selecting one of the plurality of balance weights; attaching one of the plurality of balance weights to the club head body within weight cavity; providing a plurality of covers, wherein each of the covers comprising an outer surface, an inner surface and a perimeter wall; the selecting one of the plurality of covers; and attaching one of the plurality of covers to the club head body so that the cover substantially covers one of the plurality of balance weights (See Figures 5A and

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5B). Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Peterson discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Abstract; Figure 3; Column 5, lines 47 through 67 and Column 6, lines 1 through 3). One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Peterson, in order to releasably secure the weights within the club head. Applicant does not disclose why the club head being a wood is critical in order to attain the invention. Furthermore, applicant notes that the invention should not be limited thereto (See Page 4, first paragraph under the Detailed Description). One having ordinary skill in the art would have found it obvious to having any style of club head so long as it is hollow has a weight cavity, weights, and a cover in order to optimize the center of gravity to that desired by the user.

Regarding claim 18, Wahl et al. disclose the weight cavity spaced from the face in a generally rearward direction.

Regarding claim 19, Wahl et al. disclose a weight is selected a plurality of balance weights and a cover selected from a plurality of covers (See Figures 5A and 5B).

3. Claims 6-10, 13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 6811496) in view of Ahu et al. (USPN 6015354).

Regarding claim 6, Wahl et al. does not disclose the weights being secured to the balance weight with screws. Ahu et al. discloses a golf club head having weights secured by screws (See and Figures 8-10 and Column 5, lines 12 through 41). One

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having ordinary skill in the art would have found it obvious to incorporate screws, as taught by Ahu et al., into Wahl et al. in order to further secure the weights to the club head.

Regarding claims 7 and 13, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Ahu et al. discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Figure 18 and Column 6, lines 39 through 55). One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Ahu et al., in order to releasably secure the weights within the club head.

Regarding claim 8 and 9, Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Ahu et al. discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Figure 18 and Column 6, lines 39 through 55). The combination would imply that the cavity has a floor and reveal. One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Ahu et al., in order to releasably secure the weights within the club head.

Regarding claim 10, the combination as applied to claim 8 and 9 implies that the cover is bonded to the cover cavity.

Regarding claim 17, Wahl implicitly discloses a method of manufacturing a golf club head, comprising forming a club head body comprising a hollow body having a face adapted for impacting a golf ball, wherein the club head body further comprising a body surface having a weight cavity formed therein. The weight cavity being defined by a side



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wall and a bottom wall; providing a plurality of balance weights, wherein each of the plurality of balance weights having an upper surface, a lower surface and a lateral side joining the upper surface and the lower surface; selecting one of the plurality of balance weights; attaching one of the plurality of balance weights to the club head body within weight cavity; providing a plurality of covers, wherein each of the covers comprising an outer surface, an inner surface and a perimeter wall; the selecting one of the plurality of covers; and attaching one of the plurality of covers to the club head body so that the cover substantially covers one of the plurality of balance weights (See Figures 5A and 5B). Wahl et al. does not disclose having a slot in the side wall of the weight cavity and a cover having tabs. Ahu et al. discloses a golf clubhead having a slot in a side wall and a cover having tabs for snap fit securement to the club head (See Figure 18 and Column 6, lines 39 through 55). One having ordinary skill in the art would have found it obvious to have the cover of Wahl et al. to have a snap fit, as taught by Ahu et al., in order to releasably secure the weights within the club head. Applicant does not disclose why the club head being a wood is critical in order to attain the invention. Furthermore, applicant notes that the invention should not be limited thereto (See Page 4, first paragraph under the Detailed Description). One having ordinary skill in the art would have found it obvious to having any style of club head so long as it is hollow has a weight cavity, weights, and a cover in order to optimize the center of gravity to that desired by the user.

Regarding claim 18, Wahl et al. disclose the weight cavity spaced from the face in a generally rearward direction.

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Regarding claim 19, Wahl et al. disclose a weight is selected a plurality of balance weights and a cover selected from a plurality of covers (See Figures 5A and 5B).

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl et al. (USPN 6811496) in view of Evans et al. (USPN 6409612).

Regarding claim 14, Wahl et al. does not disclose having information on the cover. Evans et al. discloses a golf club head having a weight cover having indicia including the model designation thereon (See Figure 1). One having ordinary skill in the art would have found it obvious to place indicia thereon, as taught by Evans et al., in order to identify the club head and aesthetic appearance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

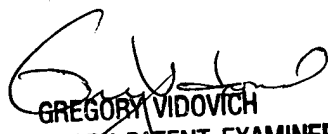
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH

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